



§66261.2. Definition of Waste.

(a) "Waste" means any discarded material of any form (for example, liquid, semi-solid, solid or gaseous) that is not excluded by section 66261.4(a) or section 66261.4(e) or that is not excluded by Health and Safety Code section 25143.2(b) or Health and Safety Code section 25143.2(d).

(b) A discarded material is any material which is any of the following:

- (1) relinquished as explained in subsection (c) of this section; or
- (2) recycled, as explained in subsection (d) of this section; or
- (3) considered inherently waste-like, as explained in paragraph (e) of this section.

(c) A material is a waste if it is relinquished by being any of the following:

- (1) disposed of;
- (2) burned or incinerated;

(3) accumulated, stored or treated, but not recycled, before or in lieu of, being relinquished by being disposed of, burned or incinerated.

(d) A material is a waste if it is recycled, or accumulated, stored or treated before recycling, by being managed:

(1) through being used in a manner constituting disposal:

(A) materials noted with an "*" in column 1 of Table I are wastes when they are:

1. applied to or placed on the land in a manner that constitutes disposal; or
2. used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself is a waste);

(B) however, commercial chemical materials listed in section 66261.33, which are discarded commercial chemical products, off-specification species, container residues, or spill residues thereof, and which are applied to the land and application to the land is their ordinary manner of use are non-RCRA hazardous wastes. Commercial chemical products which are "retrograde materials" as defined in section 66260.10 are not wastes until they become "recyclable materials" pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10;

(2) through being burned for energy recovery:

(A) materials noted with an "*" in column 2 of Table 1 are wastes when they are:

1. burned to recover energy;
2. used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself is a waste);

(B) however, commercial chemical materials listed in section 66261.33, which are discarded commercial chemical products, off-specification species, container residues, or spill residues thereof, and which are fuels are non-RCRA hazardous wastes. Commercial chemical products which are "retrograde materials" as defined in section 66260.10 are not wastes until they become "recyclable materials" pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10

(3) through being reclaimed: materials noted with an "*" or "***" in column 3 of Table 1 are wastes when reclaimed;

(4) through being accumulated speculatively: materials noted with an "*" or "***" in column 4 of Table 1 are wastes when accumulated speculatively.

Table 1				
Column	Use Constituting Disposal 66261.2(d)(1) (1)	Energy Recovery/Fuel 66261.2(d)(2) (2)	Reclamation 66261.2(d)(3) (3)	Speculative Accumulation 66261.2(d)(4) (4)
Spent Materials	*	*	*	*
Sludges (listed in section 66261.31 or 66261.32)	*	*	*	*
Sludges exhibiting a characteristic of hazardous waste	*	*	**	*
By-products (listed in section 66261.31 or 66261.32)	*	*	*	*
By-products exhibiting a characteristic of hazardous waste	*	*	**	*
Commercial chemical products (listed in section 66261.33)	*	*	**	**

Note: The terms “spent materials,” “sludges,” and “by-products” are defined in section 66260.10.

*Except as provided in sections 66261.2(d)(1)(B) and 66261.2(d)(2)(B), a material designated by a single asterisk in Column (1), (2), (3), or (4) is a waste which is not eligible to be classified as a non-RCRA hazardous waste.

**Unless exempt pursuant to Health and Safety Code section 25143.2(d), a material designated with a double asterisk in Column (3) or (4) which is identified as a hazardous waste pursuant to section 66261.3 is a non-RCRA hazardous waste. Commercial chemical products which are “retrograde materials” as defined in section 66260.10 are not wastes until they become “recyclable materials” pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.